**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Civil Writ Petition No. 1496 of 2006 (S/S)**

Balwant Singh Negi
S/o Sri Heera Singh Negi,
R/o Village Simalkhet, P.O. Panduwakhal,
Chaukhutia, District Almora.

……. Petitioner

Versus

1. State of Uttaranchal
   through Education Secretary,
   Dehradun.
2. Director of Education
   Uttaranchal, Dehradun.
3. District Education Officer, Almora.
4. Joint Director of Education,
   Kumaon Mandal, Nainital.

5. Committee of Management
   Intermediate College Yogsain,
   Rampur through Manager,
   Intermediate College Yogsain,
   Rampur, District Almora.

…… Respondents

Mr. Vinod Nautiyal, Advocate for the petitioner.
Mr. N.P. Sah, learned Standing Counsel for the State.

**Hon'ble Prafulla C. Pant, J.**

Heard learned counsel for the petitioner and learned Standing Counsel for the State.

2) Brief facts of the case, as narrated in the writ petition, are that Intermediate College Yogsain, Rampur, Chaukhutia, District Almora, in which petitioner is working as a teacher (L.T. Grade), is being provincialized vide Government Order No. 205 / XXIV – 4 / 2006 / Edu. Anubhag 4 dated Dehradun 10th July 2006. Clause (4) and

Clause (5) of said Government Order provide that the teachers working in the College can be appointed / adjusted in the Government service, provided they fulfill certain conditions. The petitioner does not want to be adjusted in the Government service. A Mandamus has been sought, by means of this petition, direction the respondents not to change the service conditions of the petitioner. And, also a further mandamus has been sought to transfer the petitioner to some other private College.

3) Attention of this Court has been drawn to rule 55 of the Regulations framed under the U.P. Intermediate Education Act, 1921. The said Regulation, reads as under:

> ***"55. A permanent teacher of an institution other than the minority institution, seeking transfer to another institution, shall submit in case of a Principal to the Manager of the Institution, an application addressed to Regional Joint Director of the Region in which his institution is situated. The application shall contain the name of the institution, place and name of District to which transfer is desired."***

4) In the above circumstances, in view of the aforesaid provision read with Rule 56 and 57, this writ petition deserves to be and is disposed of summarily with the direction that the petitioner shall make a representation, within a period of fifteen days, under Rule 55, quoted above, addressed to the concerned Joint Director

(Education) through proper channel, indicating the Institutions where posting is sought, and the said authority shall dispose of the representation within a period of two months, from the date certified copy of this Order is produced along with the representation, to said authority. (Interim Relief Application No. 14531 of 2006 also stands disposed of).

**(Prafulla C. Pant, J.)**

Dt.: December 01, 2006
H.Negi